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JULIE STRANDBERG
Executive Director

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

4600 Kietzke Lane, M-245
Reno, Nevada 89502-5000
Fax (775) 688-1920

Telephone (775) 688-1921
Website: <http://chirobd.nv.gov>

Email: chirobd@chirobd.nv.gov

INFORMATIONAL STATEMENT FOR ADOPTED PERMANENT REGULATION
NRS 233B.066

LCB FILE R007-19

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 634.

1. A clear and concise explanation of the need for the adopted regulation.

The purpose of the proposed regulation is to add new language and amend current provisions related to chiropractic physicians and chiropractor's assistants. New language was added to:

- NAC 634. *Section 2: Requires each chiropractic physician who is licensed pursuant to chapter 634 of NRS to annually submit a self-inspection form containing certain information regarding the practice of the licensee.*
- NAC 634 *Section 4: Requires a licensee to ensure that his or her employees who provide certain services to a patient provide those services only under the direct supervision of the licensee. Section 4 also prohibits a licensee from authorizing an independent contractor to provide services to a patient in the office of the licensee unless the licensee has established procedures to notify the patient of certain information regarding the independent contractor's provision of those services.*
- NAC 634 *Existing regulations set forth certain requirements for the approval or endorsement of educational seminars that satisfy continuing education requirements. (NAC 634.385) Section 5 of this regulation eliminates the requirement that an original or copy of a certificate of attendance at a seminar be provided to the Board.*
- NAC 634. *Section 3: of this regulation provides that the Board may perform random audits of licensees and chiropractor's assistants to ensure compliance with requirements for continuing education.*
- NAC 634. *Section 6: of this regulation provides that the falsification of documentation concerning continuing education will be interpreted by the Board as a form of unprofessional conduct for the purposes of imposing disciplinary action.*
- NAC 634 *Existing law authorizes the anonymous filing of complaints alleging grounds for*

disciplinary action against a person practicing chiropractic in this State. (NRS 634.160) Existing regulations require a complaint to be signed and verified by the person making the complaint. (NAC 634.635) Section 7 of this regulation eliminates these signature and verification requirements to conform with statute.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent via e-mail to all of the Board's licensees and chiropractor's assistants who maintain an e-mail address with the Board, totaling 922. The Board also sent a copy of the proposed regulations, notice of workshop and notice of intent to act upon the regulation to the Nevada Chiropractic Association and Nevada Chiropractic Council, the trade associations that represents chiropractic physicians. The documents were also mailed to all county libraries in Nevada and posted at the following locations:

- Chiropractic Physicians' Board, 4600 Kietzke Lane, Suite M245, Reno
- Nevada State Library & Archives, 100 Stewart St., Carson City
- Office of the Attorney General, Grant Sawyer Bldg., 555 E. Washington Avenue, Las Vegas, NV 89101
- Office of the Attorney General, 100 N. Carson Street, Carson City, NV 89701
- Legislative Building, 401 South Carson St., Carson City

A workshop was held regarding the regulations on April 23, 2019. Any person who desired to make comments regarding the regulations was invited to participate in the workshop. A representative of the Nevada Chiropractic Association was present at the Workshop on April 23, 2019.

On July 26, 2019, the Board issued a Notice of Intent to Act Upon a Regulation which incorporated the proposed amendments and suggestions of the parties attending the meetings and workshops. On August 29, 2019 the Board conducted a hearing regarding the final language of the proposed regulation. No written comments were submitted prior to the hearing, and no member of the public attended or spoke at the hearing. -At the conclusion of the hearing, the Board announced its final determinations regarding the language of the regulation.

3. The number of persons who:

- (a) Attended the April 23, 2019 Workshop – 3**
Testified at the April 23, 2019 Workshop – 2
- (b) Attended the August 29, 2019 Hearing – 0**
Testified at the August 29, 2019 Hearing - 0
- (c) Submitted written statements for the April 23, 2019 Workshop – 3**
Submitted written comments for the August 29, 2019 Hearing – 0

4. For each person identified in subparagraph (b) and (c) above, see attached for the following information that was provided to the Chiropractic Physicians' Board:

(a) Name

James T. Overland Sr., DC

(b) Telephone number

(702) 399-6655

(c) Business address

2700 E. Lake Mead Blvd., Suite 10, North Las Vegas, NV 89030

(d) Business telephone number

(702) 399-6655

(e) Electronic mail address

Preferredchiro3@cs.com

(f) Name of entity or organization represented

N/A

(a) Name

Kenneth Hogan, DC

(b) Telephone number

(702) 650-2227

(c) Business address

2675 E. Flamingo Rd., Suite 9, Las Vegas, NV 89121

(d) Business telephone number

(702) 650-2227

(e) Electronic mail address

khogandc@gmail.com

(f) Name of entity or organization represented

N/A

(a) Name

Antranig (Tony) Jerian, DC

(b) Telephone number

(702) 454-9700

(c) Business address

690 N. Valle Verde Drive, Suite 4, Henderson, NV 89014

(d) Business telephone number

(702) 454-9700

(e) Electronic mail address

jerianchiro@yahoo.com

(f) Name of entity or organization represented

N/A

A list containing the requested information is attached as Exhibit 1.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

The comments received at the workshop were from practitioners. There were no comments received at the hearing. The comments received at the workshop were not relative to the intent of the revision, which was to align with NRS, however the comments were considered by the Board in determining to proceed with the regulation.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation with change.

The permanent regulation was adopted on August 29, 2019, and included the changes, additions, and amendments suggested at the workshop, hearing, and the Board's Legislative Committee that were acceptable to the Board as being within the legislative intent of the empowering statutes (NRS 634.030(2)).

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects.

As amended as a result of the public hearing, the regulations were not intended to and will not have adverse economic effects upon the practice of chiropractic in Nevada.

(b) Both immediate and long-term effects.

The proposed regulations will have the same effects immediately and in the long-term.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency,.

The Chiropractic Physicians' Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This proposed regulation is not required by federal law.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulations do not recommend new or increased fees.

This Informational Statement was prepared by Julie Strandberg, Executive Director, and is accurate and complete.

Signed this _____ day of September, 2019.

Julie Strandberg
Executive Director